

**AMENDMENTS TO THE CLAIMS**

**This listing of claims will replace all prior versions and listings of claims in the application:**

**LISTING OF CLAIMS:**

1. (previously presented): A separator for non-aqueous electrolyte secondary battery, wherein the separator comprises a shut-down layer, a heat-resistant microporous layer, and a spacer having a form of particles, fibers, net or porous film on the surface of the heat-resistant microporous layer,  
  
wherein the heat-resistant microporous layer comprises at least one heat-resistant resin selected from resins having a temperature of deflection under load of  $18.6 \text{ kg/cm}^2$  of  $100^\circ \text{C}$  or more.
2. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the heat-resistant microporous layer consists of heat-resistant resin.
3. (canceled).
4. (previously presented): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the spacer is an electrochemically stable organic polymer, or an electrochemically stable organic layer polymer containing an electrochemically stable inorganic compound.

5. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the spacer has a form of particles and a particle diameter of 3  $\mu\text{m}$  or less.

6. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the static friction coefficient between the spacer-disposed separator surface and a stainless steel surface ground by a 1000 grit polishing paper is 0.5 or less.

7. (original): The separator for non-aqueous electrolyte secondary battery according to claim 1, wherein the spacer is formed by coating an application liquid containing an electrochemically stable substance on the surface of the heat-resistant microporous layer.

8. (previously presented): The separator for non-aqueous electrolyte secondary battery according to claim 7, wherein the application liquid is a suspension.

9. (previously presented): The separator for non-aqueous electrolyte secondary battery according to claim 4, wherein the electrochemically stable substance is an organic polymer selected from the group consisting of a polyolefin, a polyolefin copolymer, a fluorine-containing polymer, a polycarbonate, an aromatic polyester, a polyethylene terephthalate and a cellulose.

10. (previously presented): A non-aqueous electrolyte secondary battery including the separator for non-aqueous electrolyte battery according to any one of claims 1 to 8.

11. (original): The non-aqueous electrolyte secondary according to claim 10, wherein the spacer is adjacent to a cathode.

12. (new): A separator for non-aqueous electrolyte secondary battery, the separator comprising a shut down layer, a heat-resistant microporous layer, and a spacer having a form of particles, fibers, net or porous film, on the surface of the heat-resistant microporous layer, wherein the heat-resistant microporous layer comprises at least one heat-resistant resin selected from resins having a temperature of deflection under load of  $18.6 \text{ kg/cm}^2$  of  $100^\circ \text{C}$  or more, and the shut-down layer, the heat-resistant microporous layer and the spacer being in this order.